HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI G.V. SEETHAPATHY

Writ Appeal No.1290 of 2006

Between

Akkini Sivaiah @ Satyanarayana and another ..Appellants

AND

State of Andhra Pradesh represented by Secretary, Irrigation Deparment, Secretariat, Hyderabad and four others ..Respondents

:: JUDGMENT ::

Counsel for the appellants: Shri M.Sivananda Kumar

Counsel for the respondents: Government Pleader for Irrigation

30-11-2006

Per G.S.Singhvi, CJ

This appeal is directed against order dated 07-04-2006 passed by the learned Single Judge, whereby he dismissed the writ petition filed by the appellants against the acquisition of the land comprised in Survey No.537, Murari Village, Gandepally Mandal, East Godavari District.

At the hearing, learned counsel for the appellants made a request that his clients may be permitted to withdraw the appeal with liberty to avail the remedy by filing civil suit and the Bench may clarify that the observations made by the learned Single Judge will not operate to their prejudice in the

litigation, which may be instituted hereinafter.

Learned Government Pleaders for Irrigation says that he does not have any objection.

In view of the above, the writ appeal is dismissed with liberty to the appellants to avail the remedy by filing civil suit.

While disposing of the appeal in the manner indicated above, we deem it proper to clarify that the observations made by the learned Single Judge shall not operate to the prejudice of the appellants.

As a sequel to the dismissal of the appeal as withdrawn, WAMP (SR) No.65677 of 2006 filed by the appellants for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

G.V. SEETHAPATHY, J

30-11-2006.
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